

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

FLOCKHART et al.

Serial No.: 10/673,118

Filed: September 26, 2003

Atty. File No.: 4366-106

For: "METHOD AND APPARATUS FOR  
LOAD BALANCING WORK ON A NETWORK  
OF SERVERS BASED ON THE PROBABILITY  
OF BEING SERVICE WITHIN A SERVICE  
TIME GOAL"

Group Art Unit: 2195

Examiner: WAI, ERIC CHARLES

Confirmation No.: 9237

NOTICE OF APPEAL

CERTIFICATE OF TRANSMISSION

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS  
BEING TRANSMITTED VIA THE OFFICE ELECTRONIC  
FILING SYSTEM IN ACCORDANCE WITH 37 CFR  
§1.6(a)(4) ON

April 10, 2009

SHERIDAN ROSS P.C.

BY: *Jerrie M. Frankel*

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicants hereby appeal to the Board of Appeals from the decision of the Examiner mailed January 13, 2009, finally rejecting Claims 1-3, 6, 7, 9-11, 13, 14, 16-26, 28, 30, 31, 33 and 34. A Notice of Appeal together with the associated fee was previously submitted on July 29, 2008. Accordingly, Applicants believe that no fees are due for the filing of the present Notice of Appeal. If this is incorrect, please charge any fees deemed necessary to Deposit Account No. 19-1970.

Respectfully submitted,

SHERIDAN ROSS P.C.

By: *Bradley M. Knepper*

Bradley M. Knepper  
Registration No. 44,189  
1560 Broadway, Suite 1200  
Denver, Colorado 80202-5141  
(303) 863-9700

Date: April 10, 2009